

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

A.B.S., as surviving daughter of deceased)
ANTHONY L. SMITH,)
)
 Plaintiff,) Case No. 4:12-cv-00202-JCH
 v.)
)
 FRANCIS SLAY *et al.*,)
)
 Defendants.)

CONSENT MOTION FOR ENTRY OF AGREED PROTECTIVE ORDER

COME NOW Defendants Bettye Battle Turner, Richard Gray, Thomas Irwin, and Francis Slay (collectively referred to herein as "Police Board Defendants"), and pursuant to Rule 26(c) of the Federal Rules of Civil Procedure and by agreement of Plaintiff A.B.S. and the Police Board Defendants, respectfully request that this Court enter the attached proposed Protective Order.

For their bases, Plaintiff and Police Board Defendants state as follows:

1. City of St. Louis Police Department Internal Affairs File (IAD) 11/039 pertains to the department's investigation of the December 20, 2011 shooting of Anthony Lamar Smith and the disciplinary investigation of Jason Stockley related to that incident, and all associated records and audio/visual recordings.
2. IAD File 11/039 also contains records and audio/visual recordings created or provided to the City of St. Louis Police Department by the Federal

Bureau of Investigation (“FBI”). These documents include records of witness interviews.

3. In the interest of facilitating discovery of IAD File 11/039, and all FBI materials contained therein, the Board Defendants and Plaintiff have reached an agreement that all documents and materials relating to IAD File 11/039 will be made available for inspection pursuant to an agreed protective order subject to modification or amendment by agreement of the parties or upon further order of the Court.
4. Plaintiff and the Police Board Defendants agree that a protective order is necessary to protect sensitive law enforcement information, including witness interviews, and confidential personnel records containing personal information of Police Board Defendants’ former employees and agents.
5. A protective order will ensure that sensitive law enforcement information and confidential personnel records are protected from unauthorized disclosure and allow the parties to utilize that information solely for purposes of this litigation.
6. Rule 26(c) authorizes the Court to make any Order “to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense.” Fed. R. Civ. P. 26(c). Counsel for the Plaintiff and the Police Board Defendants have conferred regarding the proposed Agreed Protective Order. Thus, the Police Board Defendants respectfully ask the Court to enter the proposed Agreed Protective Order, attached hereto as Exhibit “A”.

WHEREFORE, the Police Board Defendants pray for the relief requested herein and for such other and further relief which this Court deems fair and reasonable.

Respectfully submitted,

JULIAN BUSH
CITY COUNSELOR

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CERTIFICATE OF SERVICE

I hereby certify that on August 7, 2018, the foregoing was electronically filed with the Clerk of the Court to be served by operation of the Court's electronic filing system on all attorneys of record.

/s/ Erin K. McGowan